

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MARK SPOTZ,

Plaintiff,

v.

JOHN E. WETZEL, et al.,

Defendants.

CIVIL ACTION NO. 1:21-CV-01799

(MEHALCHICK, J.)

ORDER

AND NOW, this 17th day of September, 2024, for the reasons set forth in the Memorandum Opinion filed concurrently with this Order, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation of Chief Magistrate Judge Bloom ([Doc. 62](#)) is **ADOPTED IN ITS ENTIRETY** as the decision of the Court.
2. Defendants' motion to dismiss, or in the alternative, for summary judgment ([Doc. 54](#)) is **GRANTED in part** and **DENIED in part**, as follows:
 - a. Count I, Spotz's Eighth Amendment Conditions of Confinement claim, is dismissed as to the DOC and Defendant Wetzel in his official capacity. The motion to dismiss is denied as to Defendant Wetzel in his individual capacity.
 - b. Count II, Spotz's Fourteenth Amendment claim, is dismissed in its entirety.
 - c. Count III, Spotz's Americans with Disabilities Act claim, is dismissed against Defendant Wetzel in his individual capacity. The motion to dismiss this count is denied as to the DOC and Defendant Wetzel in his official capacity.
 - d. Count IV, Spotz's Rehabilitation Act claim, is dismissed against Defendant Wetzel in his individual capacity. The motion to dismiss this count is denied as to the DOC and Defendant Wetzel in his official capacity.

BY THE COURT:

s/ Karoline Mehalchick
KAROLINE MEHALCHICK
United States District Judge